

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

**MICHELLE A PELKEY,**  
*Plaintiff,*

v.

**DAVID LABORDE, in his individual  
capacity, and JOYCE ALASE, M.D.,  
in her individual capacity,**  
*Defendants.*

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**MO:24-CV-00061-DC**

**ORDER**

Before the Court is the report and recommendation from United States Magistrate Judge Ronald C. Griffin<sup>1</sup> concerning Joyce Alase, M.D.'s motion to dismiss.<sup>2</sup> Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Griffin issued his report and recommendation on February 24, 2025. As of the date of this order, Michelle Pelkey has filed her objections,<sup>3</sup> which received responsive briefing,<sup>4</sup> and then withdrew her objections in full along with her request to amend the complaint as to Alase.<sup>5</sup> The Court therefore treats the report and recommendation as without objection.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the

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<sup>1</sup> ECF No. 39.

<sup>2</sup> ECF No. 36.

<sup>3</sup> ECF No. 42.

<sup>4</sup> ECF No. 43.

<sup>5</sup> ECF No. 44.

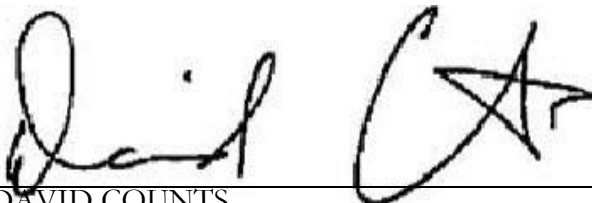
district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error.<sup>6</sup>

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge is **ADOPTED**.<sup>7</sup> Alase's motion to dismiss is **GRANTED**.<sup>8</sup> Pelkey's claims as to Joyce Alase, M.D. are **DISMISSED WITH PREJUDICE**.

So **ORDERED**.

SIGNED this 25th day of March 2025.

  
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DAVID COUNTS  
UNITED STATES DISTRICT JUDGE

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<sup>6</sup> See Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

<sup>7</sup> ECF No. 39.

<sup>8</sup> ECF No. 36.